

**COUNTY OF SAN LUIS OBISPO BOARD OF SUPERVISORS
AGENDA ITEM TRANSMITTAL**

(1) DEPARTMENT Planning and Building	(2) MEETING DATE 8/19/2014	(3) CONTACT/PHONE Greg Camack, Resource Protection Specialist II / (805) 788-2006	
(4) SUBJECT Hearing to consider a resolution approving the assessment for cost recovery and to close the abatement procedures for the Inquito property located at 480 Mesa Grande Drive in the community of Shandon. Resolution # 2013-184. District 1.			
(5) RECOMMENDED ACTION It is recommended that the Board: <ol style="list-style-type: none"> 1. Adopt and instruct the Chairman to sign the resolution approving the findings set forth in Exhibit A and the order set forth in Exhibit B, confirming the proposed account and assessment of \$22,576.87 to abate the nuisances on the property known as 480 Mesa Grande Drive, California ("Property"), included in the Notice of Assessment set forth in Exhibit C. 2. Direct staff to notify the owners of the Property by certified mail, return receipt requested, of the amount of the pending lien confirmed by the Board, and to prepare and have a notice of lien recorded in the office of the County Recorder if the pending lien is not paid within thirty days in accordance with Section 22.74.150.F.4 of the County Code. 3. Except as set forth in Recommendation No. 2, direct staff to close this nuisance abatement action. 			
(6) FUNDING SOURCE(S) N/A	(7) CURRENT YEAR FINANCIAL IMPACT \$0.00	(8) ANNUAL FINANCIAL IMPACT \$0.00	(9) BUDGETED? Yes
(10) AGENDA PLACEMENT <input type="checkbox"/> Consent <input type="checkbox"/> Presentation <input checked="" type="checkbox"/> Hearing (Time Est. 30 mins) <input type="checkbox"/> Board Business (Time Est.)			
(11) EXECUTED DOCUMENTS <input checked="" type="checkbox"/> Resolutions <input type="checkbox"/> Contracts <input type="checkbox"/> Ordinances <input type="checkbox"/> N/A			
(12) OUTLINE AGREEMENT REQUISITION NUMBER (OAR) N/A		(13) BUDGET ADJUSTMENT REQUIRED? BAR ID Number: <input type="checkbox"/> 4/5 Vote Required <input checked="" type="checkbox"/> N/A	
(14) LOCATION MAP N/A	(15) BUSINESS IMPACT STATEMENT? No	(16) AGENDA ITEM HISTORY <input type="checkbox"/> N/A Date: <u>July 23, 2013</u>	
(17) ADMINISTRATIVE OFFICE REVIEW Lisa M. Howe			
(18) SUPERVISOR DISTRICT(S) District 1			

County of San Luis Obispo



TO: Board of Supervisors

FROM: Greg Camack, Resource Protection Specialist II /
(805) 788-2006

DATE: 8/19/2014

SUBJECT: Hearing to consider a resolution approving the assessment for cost recovery and to close the abatement procedures for the Inquito property located at 480 Mesa Grande Drive in the community of Shandon. Resolution # 2013-184. District 1.

RECOMMENDATION

It is recommended that the Board:

1. Adopt and instruct the Chairman to sign the resolution approving the findings set forth in Exhibit A and the order set forth in Exhibit B, confirming the proposed account and assessment of \$22,576.87 to abate the nuisances on the property known as 480 Mesa Grande Drive, California ("Property"), included in the Notice of Assessment set forth in Exhibit C.
2. Direct staff to notify the owners of the Property by certified mail, return receipt requested, of the amount of the pending lien confirmed by the Board, and to prepare and have a notice of lien recorded in the office of the County Recorder if the pending lien is not paid within thirty days in accordance with Section 22.74.150.F.4 of the County Code.
3. Except as set forth in Recommendation No. 2, direct staff to close this nuisance abatement action.

DISCUSSION

On July 23, 2013, your Board adopted Resolution No. 2013-184 ordering the record owners of the Property, F. James and Rosann Inquito ("Respondents"), to abate the nuisances on the Property in accordance with the following timetable:

By August 22, 2013 at 5:00 PM, do the following:

1. Secure and maintain as secure, the incomplete structure and the land in order to prevent unauthorized entry onto and use of the Property by others.
2. Remove or cause to be removed all vehicles, recreational vehicles, junk, debris and other items that are stored on or are littering the Property and maintain the Property in a safe, clean and secure condition.
3. Reactivate the expired construction permit (PMT2006-00855) or obtain a demolition permit for the incomplete structure.

Respondents did not comply with the order, and on September 17, 2013, your Board authorized staff to abate the nuisances.

As set forth in more detail in the Notice of Assessment, included in the resolution enacting findings for assessment as Exhibit C to Attachment 2, as of July 24, 2014, the County had incurred a total cost of \$19,936.87 to abate the nuisances:

1. \$13,707.87 to retain the services A-1 Metals & Auto Salvage for site clean-up, security and maintenance
2. \$1,841.00 to Atascadero Fence Factory to rent security fence through April 4, 2015
3. \$395.00 to First American Title Company for a Preliminary Title Report
4. \$2,793.00 in staff time at the rate of \$133.00 per hour
5. \$1,200 in County Counsel time at the rate of \$150.00 per hour

As of the date of the hearing, staff anticipates the County will incur an additional \$1,040.00 in staff costs as set forth below; making the total costs incurred \$20,976.87:

1. \$665.00 in staff time at the rate of \$133.00 per hour
2. \$375.00 in County Counsel time at the rate of \$150.00 per hour

Staff recommends that your Board purchase the security fence for \$2,000, consistent with the proposal from Atascadero Fence Factory. This will make the total costs incurred \$22,976.87.

On July 24, 2014, in accordance with San Luis Obispo County Code Sections 22.74.150.F.2 and 22.74.070.A, staff served, recorded and site posted a Notice of Assessment that included an account of costs and receipts to abate the nuisances. A copy of the service list is attached as Attachment 3. The additional staff costs and the cost of the fence were included within the account and have been incorporated into the order.

WORK SUMMARY

After your Board authorized staff to abate the nuisances on September 17, 2013, staff obtained the required court order for inspection and actions to be taken to clean and secure the Property and structures of all known public hazards and nuisances. A-1 Metals & Auto Salvage completed this work on October 9, 2013. Atascadero Fence Factory installed the security fence around the Property on or about October 6, 2013.

On January 21, 2014, after three (3) months of site monitoring for any reoccurrences of the nuisances and finding none, staff met and decided that the services of A-1 Metals & Auto Salvage could be canceled and requested a final billing. The lease for the security fence terminates on April 4, 2015.

STATUS OF THE PROPERTY

At the commencement of this proceeding, Argent Mortgage Company, LLC ("Argent") was the beneficiary under a deed of trust on the Property. On April 25, 2014, Argent assigned all of its beneficial interest under the deed of trust to Deutsche Bank National Trust Company, as Trustee, on Behalf of the Registered Holders of GSAMP Trust 2004-AR1, Mortgage Pass-Through Certificates, Series 2004-AR1 at C/O Select Portfolio Servicing, Inc.

On June 26, 2014, a Notice of Default was recorded against the Property.

BOARD ACTION OPTIONS

San Luis Obispo County Code Section 22.74.150.F.3 authorizes your Board to make modifications and revisions to the proposed account and assessment as it deems just and the Board may order the account and proposed assessment confirmed or denied, in whole or in part, or as modified and revised.

OTHER AGENCY INVOLVEMENT/IMPACT

County Counsel reviewed the Notice of Assessment, the staff report and the proposed findings and order and has approved the Resolution as to form and legal effect.

FINANCIAL CONSIDERATIONS

If your Board orders the proposed assessment confirmed, in whole or in part, or as modified and revised, staff will notify the Respondents of the amount of the pending lien confirmed by the Board and advise them that they may pay the account in full within 30 days to the Department of Planning and Building, to avoid the lien being recorded against the Property in accordance with San Luis Obispo County Code Section 22.74.150.F.3. If the lien amount is not paid by the date in the letter, staff will prepare and have a notice of lien recorded in the office of the County Recorder. After recordation, the notice of lien will be delivered to the County Auditor, who will enter the amount of the lien on the assessment roll as a special assessment.

ATTACHMENTS

1. Resolution No. 2013-184
2. Resolution No. 2014-XXX
3. Service List